

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In Re:)	Case No. 19 B 11110
)	
DAVID A. SEGOBIANO, and)	Chapter 13
JOANNA L. WHITE,)	
Debtors.)	Hon. David D. Cleary

**NOTICE OF AMENDED MOTION OF SANTANDER CONSUMER USA INC.
TO MODIFY AUTOMATIC STAY**

VIA ELECTRONIC NOTICE:

To: Marilyn O. Marshall (Trustee) 224 South Michigan Avenue, Suite 800 Chicago, Illinois 60604	David M. Siegel, Esq. (Debtors' Counsel) David M. Siegel & Associates 790 Chaddick Drive Wheeling, Illinois 60090
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VIA U.S. MAIL:

To: David A. Segobiano & Joanna L. White (Debtors)
3053 North Oleander Avenue
Chicago, Illinois 60707

PLEASE TAKE NOTICE that on November 15, 2021 at 1:30 p.m., I will appear telephonically before the Honorable David D. Cleary, or any judge sitting in his/her stead, and present the *Amended Motion of Santander Consumer USA Inc. to Modify Automatic Stay*, a copy of which is attached.

This Motion will be presented and heard electronically using Zoom for Government. No personal appearance in court is necessary or permitted. To appear and be heard telephonically on the Motion, you do the following:

To appear by video, use this link: <https://www.zoomgov.com/join>. Then enter the meeting ID and password.

To appear by telephone, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and password.

Meeting ID and password. The meeting ID for this hearing is 161 122 6457 and the passcode is Cleary644. The meeting ID and passcode can also be found on Judge Cleary's webpage on the court's website, <https://www.ilnb.uscourts.gov/content/judge-david-d-cleary>.

If you object to this Motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the Motion will be called on the presentment date. If no Notice of Objection is timely filed, the Court may grant the Motion in advance without a hearing.

Respectfully submitted,

SANTANDER CONSUMER USA INC.,
Creditor,

By: /s/ Cari A. Kauffman
One of its attorneys

David J. Frankel (Ill. #6237097)
Cari A. Kauffman (Ill. #6301778)
Rocio Herrera (Ill. #6303516)
Sorman & Frankel, Ltd.
180 North LaSalle Street, Suite 2700
Chicago, Illinois 60601
(312) 332-3535 / (312) 332-3545 (facsimile)

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that I have served a copy of this Notice along with the attached Amended Motion upon the above-named persons by electronic filing or, as noted above, by placing same in a properly addressed and sealed envelope, postage prepaid, and depositing it in the United States Mail at 180 North LaSalle Street, Chicago, Illinois on November 8, 2021, before the hour of 5:00 p.m.

/s/ Cari A. Kauffman

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JOANNA L. WHITE,)	
Debtors.)	Hon. David D. Cleary

**AMENDED MOTION OF SANTANDER CONSUMER USA INC.
TO MODIFY AUTOMATIC STAY**

SANTANDER CONSUMER USA INC. (“Santander”), a creditor herein, by its attorneys, the law firm of Sorman & Frankel, Ltd., respectfully requests this Court, pursuant to Section 362 of the Bankruptcy Code, 11 U.S.C. §362 (West 2021), and such other Sections and Rules may apply, to enter an Order modifying the automatic stay provided therein. In support thereof, Santander states as follows:

1. On April 17, 2019, David A. Segobiano and Joanna L. White (“Debtors”) filed a Voluntary Petition for Relief under Chapter 13 of the Bankruptcy Code. On July 8, 2019, Debtors filed an Amended Chapter 13 Plan, which provides for direct payments from Debtors to Santander on Santander’s secured claim, and which was confirmed on July 15, 2019.

2. Santander is a creditor of the Debtors with respect to a certain indebtedness secured by a lien upon a 2011 Chevrolet Malibu motor vehicle bearing a Vehicle Identification Number of 1G1ZC5EU7BF360219 (the “Vehicle”). (See Ex. “A”).

3. As set forth in the Retail Installment Contract and subsequent modification attached as Exhibit “A”, Debtors were required to tender equal monthly payments to Santander, each in the sum of \$208.70 with an interest rate of 20.33%. (See Ex. “A”).

4. Debtors have failed to make required payments to Santander due on and after July 27, 2021, resulting in a current default of \$775.90; the next payment of \$208.70 comes due on November 27, 2021.

5. The current total outstanding balance due to Santander from the Debtors for the Vehicle is \$6,266.37.

6. Debtors have failed to provide Santander or its counsel with proof of a valid full coverage insurance policy for the Vehicle identifying Santander as the lienholder/loss payee.

7. As such, Santander seeks relief from the automatic stay so that Santander may take possession of and sell the Vehicle and apply the sales proceeds to the balance due from Debtors.

8. Debtors have not offered, and Santander is not receiving, adequate protection for its secured interest or depreciating value. Further, Debtors have no equity in the Vehicle and the Vehicle is not necessary to an effective reorganization by Debtors.

9. Santander will suffer irreparable injury, harm, and damage should it be delayed in taking possession of and foreclosing its security interest in the Vehicle.

10. Santander requests that Bankruptcy Rule 4001(a)(3) not apply to any Order granting this Motion.

WHEREFORE, Santander Consumer USA Inc. respectfully requests that this Court enter an Order, as attached hereto, modifying the automatic stay provided by Section 362 of the Bankruptcy Code to permit Santander to take immediate possession of and foreclose its security interest in the 2011 Chevrolet Malibu motor vehicle bearing a Vehicle Identification Number of 1G1ZC5EU7BF360219; and, for such other, further, and different relief as this Court deems just and proper.

Respectfully submitted,

SANTANDER CONSUMER USA INC.,
Creditor,

By: /s/ Cari A. Kauffman
One of its attorneys

David J. Frankel (Ill. #6237097)
Cari A. Kauffman (Ill. #6301778)
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